IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 180 of 2005

Between:

D.V. Ramaiah, E-76934, Cleaner, s/o Venkatasesha Rao,
R/o Bhimavaram, West Godavari District.

..... PETITIONER

AND

1 The APSRTC, rep. by its Regional Manager,
West Godavari Region at Eluru.
2 The Depot Manager, APSRTC, Bhimavaram, West Godavari

District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction declaring the action of the respondents herein in not computing the petitioners seniority from the date of his appointment w.e.f. 29-5-1978 inspite of the orders from this Hon'ble Court in W.P.No. 14267/1995 Dt. 19-12-2003 and the proceedings No. L1/785(125)/1995-RM, W.G. Region Dt. 28-9-2004 as illegal, unjust and arbitrary and as such liable to be set aside in the interest of justice with a consequential direction to consider the case of the petitioner for promotion on par with his colleagues and pass such other order or orders.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondent Nos.1 & 2: MR.R.MANMADHA REDDY

The Court made the following :

ORDER:

The petitioner is working as a cleaner in the respondent Corporation. He contends that he was initially appointed as a cleaner on 29-5-1978 in the respondent Corporation. But, subsequently, disciplinary proceedings were initiated against him and in pursuance of the order in the proceedings, he was removed from service and subsequent to the order of the Labour Court, Guntur in ID No. 78 of 1992, he was reinstated into service w.e.f, 15.5.1985 the date on which he was previously promoted as a conductor. The Labour Court in its order dated 2nd November, 1994 modified the punishment of removal from service into one of reversion to the post of a cleaner with continuity of service without back wages.

The order of the Labour Court is not disputed by the respondents. Since the petitioner is still continuing in the capacity of a cleaner, his seniority has to be counted from the date of initial appointment i.e., from 29-5-1978. But, the respondents did not explain as to under what circumstances, they have computed the seniority of the petitioner from 15.5.1985 .

In the light of the above circumstances, the writ petition is allowed. The respondents are directed to consider the seniority of the petitioner as a cleaner w.e.f. 29-5-78.

26-4-2005

rkk

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West Godavari Region at Eluru.
2 The Depot Manager, APSRTC, Bhimavaram, West Godavari

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